

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR08-84

DAMONT T. EWELLS,

APPELLANT

V.

STATE OF ARKANSAS,

APPELLEE

Opinion Delivered JANUARY 14, 2009APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. CR2006-141-I]HONORABLE JOHN HOMER WRIGHT,
JUDGEMOTION DENIED;
REBRIEFING ORDERED**KAREN R. BAKER, Judge**

A Garland County jury convicted appellant Damont Ewells of possession with intent to deliver cocaine and possession with intent to deliver marijuana. Ewells was sentenced to a term of forty-five years and a term of eighteen years' imprisonment, to be served consecutively, in the Arkansas Department of Correction. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, appellant's counsel has filed a motion to withdraw on grounds that the appeal is without merit. However, appellant's counsel failed to fully address each of the rulings adverse to appellant. Accordingly, we order rebriefing.

Appellant's counsel has filed an *Anders* brief and requests to be relieved as counsel. The brief accompanying an attorney's request to withdraw from appellate representation on the ground that the appeal is wholly without merit must contain a list of all rulings adverse to the defendant

made by the trial court and an explanation as to why each adverse ruling does not constitute a meritorious ground for reversal. *Eads v. State*, 74 Ark. App. 363, 47 S.W.3d 918 (2001). In deciding whether to allow counsel to withdraw from appellate representation, the test is not whether counsel thinks the trial court committed no reversible error, but rather whether the points to be raised on appeal would be wholly frivolous. *Id.* Additionally, this court is bound to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous. *Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001) (quoting *Anders*, 386 U.S. at 744).

Our review of the proceedings as a whole reveals that counsel failed to address many rulings adverse to appellant. Because counsel fails to demonstrate that an appeal from each of the adverse rulings would be wholly frivolous, we order rebriefing. *See Skiver v. State*, 330 Ark. 432, 954 S.W.2d 913 (1997) (ordering rebriefing where counsel failed to address all rulings adverse to the defendant made by the trial court).

Rebriefing ordered.

HART and ROBBINS, JJ., agree.